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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/662,660	09/15/2000	Lawrence A. Booth JR.	42390P9139	3492

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BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
Seventh Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025

EXAMINER

ZIMMERMAN, GLENN

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 03/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/662,660

Applicant(s)

BOOTH ET AL

Examiner

Glenn Zimmerman

Art Unit

2879

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-10, 12, 13 and 20-23 is/are allowed.
- 6) ☒ Claim(s) 11 and 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on October 18, 2004 has been entered.

### ***Specification***

The disclosure is objected to because of the following informalities: On page 2 line 7, the examiner suggests changing "131)," to - - 131), now U.S. Patent 6,326,723, - -. On page 2 line 9, the examiner suggests changing "128)," to - - 128), now U.S. Patent 6,175,442, - -

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 18 and 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation "the incident scattered light" in lines 1 and 2. There is insufficient antecedent basis for this limitation in the claim.

What do you mean? The examiner notes on page 7 line 19 that unabsorbed light is reflected upon the material and it maybe approximately 90 to 98 percent absorbed. Also the examiner notes that there are two incident lights which one is the incident light on the front side of the holographic film and another is the reflected remaining incident light. The incident light of claim 18 is not specified. No of the parent claim(s) mention scattering.

Claim 19 is rejected for depending upon a rejected base claim 18.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11 and 14-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Perlo et al. U.S. Patent 5,817,396.

Regarding claim 11, Perlo et al. disclose a film layer (**Fig. 3 plate of plastics ref. 2**) for a display comprising: a holographic film (**col. 3 line 17 along with ref. 2**); the holographic film having a front and back side the front side of the holographic film having adjacent structures formed therein (**Fig. 4**) to trap (**Fig. 6; abstract**) a significant portion of incident light therebetween (**Fig. 4**). The examiner notes that the word "significant" is a relative term. The examiner notes that for a display is used in the preamble, and this wording is considered intended use and not given patentable weight. The examiner notes that if a holographic technique is used then the film is holographic. The examiner notes from Fig. 6 that a significant portion of the light gets trapped, and from Fig. 4 a significant portion of light gets trapped therebetween.

Regarding claim 14, Perlo et al. disclose a film layer (**Fig. 3 plate of plastics ref. 2**) for a display, comprising: a holographic film (**ref. 2**); the holographic film having a front and back side; the front side of the holographic film having adjacent structures formed therein to trap (**Fig. 4 and 6**) at least some incident light therebetween(Fig. 4), wherein the adjacent structures comprise at least one of the following: moth-eye-like shaped structures, pyramid-like shaped structures (**Fig. 6 pyramidal projections; col. 3 line 48**), and pillar-like shaped structures. The examiner notes that the word "significant" is a relative term. The examiner notes that for a display is used in the preamble, and this wording is considered intended use and not given patentable weight. The examiner notes that if a holographic technique is used then the film is holographic.

The examiner notes from Fig. 6 that a significant portion of the light gets trapped, and from Fig. 4 a significant portion of light gets trapped therebetween.

Regarding claim 15, Perlo et al. disclose a method of trapping **(abstract)** at least a portion of light incident upon the front side of the holographic film; and reflecting the remaining incident light in a manner so as to be again incident upon the front side of the holographic film after reflection **(Figs. 4-6)**.

Regarding claim 16, Perlo et al. disclose the method of claim 15, and further comprising: for the light again incident upon the front side of the holographic film after reflection, absorbing at least some portion of the light again incident upon the front side of the holographic film; and reflecting the remaining light again incident upon the front side of the holographic film in a manner so as to be yet again incident upon the front side of the holographic film. **See Fig 4 and 6.** The examiner believes that with every reflected light directed toward the adjacent structures, some of that light will be reflected and some absorbed as Fig. 6 indicates there is not point on the curve with 100% reflection.

Regarding claim 17, Perlo et al. disclose the method of claim 15, wherein at least some of the light incident upon the front side of the holographic film comprises light reflected backwards. The examiner notes the use of the holographic film with a dashboard and that there is a windshield. The examiner notes that windshields reflect some light and therefore will reflect some light backward toward the dashboard with film.

***Allowable Subject Matter***

Claims 1-10, 12, 13 and 20-23 are allowed.

***Allowable Subject Matter***

Regarding claim 7, the following is an examiner's statement of reasons for allowance: The prior art of record neither shows nor suggests a method of trapping at least a portion of light scattered by an inside face of a cover plate of a display including the combination of all the limitations as set forth in claim 7, and specifically reflecting the remaining scattered light incident on the front side of the holographic film in a manner so as to be again incident upon the front side of the holographic film after reflection could not be found elsewhere in prior art.

Regarding claims 8-10, claims 8-10 are allowed for the reasons given in claim 7, because of their dependency status on claim 7.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Glenn Zimmerman whose telephone number is (571) 272-2466. The examiner can normally be reached on M-W 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh D. Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2879

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Glenn Zimmerman



Vip Patel  
Primary Examiner  
AU 2879